

Brockett, Aretha

From: Farhad Mirzadeh <FMirzadeh@afpm.org>
Sent: Tuesday, June 07, 2016 2:59 PM
To: Belke, Jim; Gioffre, Patricia; Jennings, Kim; Matthiessen, Craig; McLendon, Wanda; Gerardin, Margaret; Brockett, Aretha
Cc: Savage, Justin A.
Subject: Re Freedom of Information Act Request No. EPA-HQ-2016-005347 (Risk Management Program)
Attachments: June 7 2016 - Letter to EPA re FOIA Request.pdf

Hello,

Please find attached a letter regarding FOIA request No. EPA-HQ-2016-005347.

Thank you,
Farhad Mirzadeh

June 7, 2016

By Electronic Mail

Mr. James Belke
Ms. Patricia Gioffre
Ms. Kim Jennings
Mr. Craig Matthiessen
Ms. Wanda McLendon
Ms. Margaret Gerardin
Ms. Aretha Brockett

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Re: Freedom of Information Act Request No. EPA-HQ-2016-005347 (Risk Management Program)

Dear Sir or Madam:

I am writing in regards to the production of documents relating to the Freedom of Information Act (FOIA) request that is referenced above. Our office sent a letter on April 4, 2016 with a request to obtain agency records relating to the Risk Management Program (RMP) rule. The request was properly made because the initial request reasonably described the record sought, complied with your Agency's regulations, and was directed to the Environmental Protection Agency's FOIA Office. EPA informed us that the initial request was broad and would likely result in substantial delay and expense. Your office then offered a chance for us to narrow the scope of the request, which was discussed in an April 18 conference call. On April 28, we followed up with a letter that narrowed the request.

Responses to our original request were due May 2, 2016. If one assumes the response period began after the narrowing of our request, EPA's response was due on May 25, 2016. There were no follow-up questions from your Agency regarding the narrowed request, so there was no reason the FOIA request should have continued to be tolled for an unspecified period.¹ Moreover, we never received a notification in writing of the date by which processing of the request should be completed, as required by law.²

As a result, we request a schedule detailing when the documents will be released. The FOIA request is important for our ability to inform our membership on critical details surrounding

¹ The OPEN Government Act of 2007 provides that "the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period." Openness Promotes Effectiveness in our National Government Act of 2007, Pub. L. No. 110-175, § 6(a)(1)(II) (2007).

² 40 C.F.R. § 2.104(d) (2002).

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June 7, 2016

EPA's pending RMP rulemaking, which the Agency intends to finalize later this year. Please provide the requested schedule by June 14, 2016.

Sincerely,

A handwritten signature in black ink, appearing to be 'JS' followed by a long horizontal line.

Justin Savage

Partner

justin.savage@hoganlovells.com

D 202 637 5558

CC: Erin H. Ward, Associate, Hogan Lovells
Richard Moskowitz, General Counsel, American Fuels & Petrochemicals Manufacturers Association